

sion limiting to not more than 60 the number of days upon which the lump-sum payment is based.

1972—Subsec. (d). Pub. L. 92-596, §2(1), inserted reference to accumulated leave under subsection (h) of this section.

Subsec. (h). Pub. L. 92-596, §2(2), added subsec. (h).

1966—Subsecs. (b), (e). Pub. L. 89-718, §49(a)(1), substituted “Environmental Science Services Administration” for “Coast and Geodetic Survey”.

Subsec. (d). Pub. L. 89-718, §65, substituted “60” for “sixty”.

1965—Subsec. (a)(1). Pub. L. 89-151, §1, added subpar. (C).

Subsec. (d). Pub. L. 89-151, §2, included members who die while on active service and payments for unused accrued leave of members of the Public Health Service, substituted provisions referring to section 2771 of title 10 to find the mode of payment for provision spelling out the mode of payment in detail, omitted provisions prohibiting payment under this section in the event of no survivor and making valid any payments to survivors between the ages of 17 and 21, and inserted provisions basing payment for unused leave in the event of members dying while on active duty upon accrued leave carried forward into the year plus leave accruing during the year with a limit of 60 days.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Section 606(b) of Pub. L. 98-525 provided that: “The amendments made by subsection (a) [amending this section] shall apply in the case of members of the uniformed service (as defined in section 101(3) of title 37, United States Code) who enlist or are commissioned on or after the date of the enactment of this Act [Oct. 19, 1984].”

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

#### EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-596 effective Feb. 28, 1961, see section 3 of Pub. L. 92-596, set out as a note under section 701 of Title 10, Armed Forces.

#### EFFECTIVE DATE OF 1965 AMENDMENT

Section 4 of Pub. L. 89-151 provided that: “This Act [amending this section and section 701 of Title 10, Armed Forces] applies only in the case of members who die on or after the date of enactment [Aug. 28, 1965].”

#### TREATMENT OF ACCUMULATED LEAVE IN CONNECTION WITH ACTIVE DUTY DURING PERSIAN GULF CONFLICT

Section 309(a) of Pub. L. 102-25 provided that: “In the case of a member of the uniformed services who dies as a result of an injury or illness incurred while serving on active duty during the Persian Gulf conflict, the limitation in the second sentence of subsection (b)(3) of section 501 of title 37, United States Code, and in subsection (f) of that section shall not apply with respect to a payment made pursuant to subsection (d) of that section for leave accrued during fiscal year 1990 or 1991.”

Pub. L. 101-510, div. A, title XI, §1115, Nov. 5, 1990, 104 Stat. 1636, as amended by Pub. L. 102-25, title III, §§309(b), 314(1), (3), Apr. 6, 1991, 105 Stat. 83, 86, provided that:

“(a) INAPPLICABILITY OF ELIGIBILITY LIMITATION.—The limitation in the second sentence of subsection (b)(3) of section 501 of title 37, United States Code, and in subsection (f) of that section does not apply with respect to the following leave:

“(1) Leave accrued by a member of a reserve component of the Armed Forces while serving on active duty (other than for training) in connection with the Persian Gulf conflict pursuant to an order to active

duty authorized under section 672, 673, 673b, or 674 [now 12301, 12302, 12304, or 12306] of title 10, United States Code.

“(2) Leave accrued by a member of the Armed Forces in the Retired Reserve while serving on active duty in connection with the Persian Gulf conflict pursuant to an order to active duty authorized by section 675 [now 12307] of title 10, United States Code.

“(3) Leave accrued by a retired member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps, a member of the Retired Reserve, or a member of the Fleet Reserve or Fleet Marine Corps Reserve while such retired member or member, as the case may be, is serving on active duty in connection with the Persian Gulf conflict pursuant to an order to active duty authorized by section 688 of title 10, United States Code.

“(4) Leave accrued by a member referred to in paragraph (1), (2), or (3) while serving on active duty (other than for training) in connection with the Persian Gulf conflict pursuant to an order to such active duty issued with the consent of the member during a period in which members of the Armed Forces are being ordered to active duty in connection with such operation pursuant to a provision of title 10, United States Code, referred to in such paragraph.

“(b) SAVING PROVISION FOR CERTAIN ACCRUED LEAVE.—(1) Subject to paragraph (2), a member of the Armed Forces who, under section 701(f) of title 10, United States Code—

“(A) would lose any accumulated leave in excess of 60 days at the end of fiscal year 1991 shall be permitted to retain such leave until the end of fiscal year 1992; or

“(B) would lose any accumulated leave in excess of 60 days at the end of fiscal year 1992 (other than by reason of clause (A)) shall be permitted to retain such leave until the end of fiscal year 1993.

“(2) In no case may a member be permitted to accumulate leave under this section in excess of 90 days.

“(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations establishing standards and procedures for the administration of this section.”

[Section 309(c) of Pub. L. 102-25 provided that: “The amendment made by subsection (b) [amending section 1115(a) of Pub. L. 101-510, set out above] shall take effect as of November 5, 1990.”]

#### OPTIONS OF MEMBERS AS TO BASIS OF PAYMENT FOR ACCRUED LEAVE

Section 304(h) of Pub. L. 94-361 provided that: “Notwithstanding the provisions of section 501(b)(1) of title 37, United States Code, as amended by subsection (c), and subject to the limitations prescribed in section 501(b)(3) of such title, as amended by subsection (c), any leave accrued by any member of the Army, Navy, Air Force, Marine Corps, Coast Guard, or National Oceanic and Atmospheric Administration prior to the first day of the second calendar month following the month [July, 1976] in which this section is enacted shall, at the option of such member, be paid for on the same basis such leave would have been paid for under the provisions of section 501(b) of title 37, United States Code, on the day prior to the first day of the second calendar month following the month in which this section is enacted”.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 701.

### § 502. Absences due to sickness, wounds, and certain other causes

(a) A member of the Army, Navy, Air Force, Marine Corps, Coast Guard, or National Oceanic and Atmospheric Administration, who is absent because of sickness or wounds, or who is directed by the Secretary concerned, or his des-

ignated representative, to be absent from duty to await orders pending disability retirement proceedings for a period that is longer than the leave authorized by section 701 of title 10, is entitled to the pay and allowances to which he would be entitled if he were not so absent. A member who is absent with leave for any other reason for not longer than the leave authorized by that section is entitled to the same pay and allowances to which he would be entitled if he were not on leave, and to any additional allowances otherwise provided by law for members on leave.

(b) Except as provided in subsection (a) and section 701(h) of title 10, a member who is authorized by the Secretary concerned, or his designated representative, to be absent for a period that is longer than the leave authorized by section 701 of title 10 is not entitled to pay or allowances during the part of his absence that is more than the number of days' leave authorized by that section.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 482; Pub. L. 89-718, § 49(a)(1), Nov. 2, 1966, 80 Stat. 1121; Pub. L. 96-513, title V, § 516(15), Dec. 12, 1980, 94 Stat. 2939; Pub. L. 99-661, div. A, title V, § 506(b), Nov. 14, 1986, 100 Stat. 3865; Pub. L. 102-25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
502(a) .....	37:33(b) (1st and last sentences). 37:39 (less last proviso).	Aug. 9, 1946, ch. 931, § 4(b) (less 3d sentence); restated Aug. 4, 1947, ch. 475, § 1 (2d par., less 3d sentence), 61 Stat. 748.
	37:32(f) (last 8 words).	Aug. 9, 1946, ch. 931, § 2(f) (last 8 words), 60 Stat. 963.
502(b) .....	37:33(b) (2d sentence).	Aug. 17, 1949, ch. 452, § 1 (less last proviso), 63 Stat. 611.
	37:32(f) (last 8 words).	Aug. 9, 1946, ch. 931, § 2(f) (last 8 words), 60 Stat. 963.

In subsection (a), the words "After August 31, 1946", in section 33(b) of existing title 37, are omitted as executed. The words "allowance or", in section 33(b) of existing title 37, are omitted as surplusage. The last sentence of section 33(b) of existing title 37 is omitted as executed, since the Act of December 28, 1945 (59 Stat. 663) was repealed by section 506(g) of the Officer Personnel Act of 1947 (61 Stat. 892).

In subsections (a) and (b), the words "or his designated representative," are substituted for the last 8 words of section 32(f) of existing title 37.

In subsection (b), the words "Except as provided in subsection (a) of this section" are inserted for clarity. The words "the part of his absence that is more than the number of days' leave authorized by that section" are substituted for the words "such absence".

## AMENDMENTS

1991—Subsec. (b). Pub. L. 102-25 struck out "of this section" after "subsection (a)".

1986—Subsec. (b). Pub. L. 99-661 inserted "and section 701(h) of title 10".

1980—Subsec. (a). Pub. L. 96-513 substituted "National Oceanic and Atmospheric Administration" for "Environmental Science Services Administration".

1966—Subsec. (a). Pub. L. 89-718 substituted "Environmental Science Services Administration" for "Coast and Geodetic Survey".

## EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 1201.

## § 503. Absence without leave or over leave

(a) A member of the Army, Navy, Air Force, Marine Corps, Coast Guard, or National Oceanic and Atmospheric Administration, who is absent without leave or over leave, forfeits all pay and allowances for the period of that absence, unless it is excused as unavoidable.

(b) A commissioned officer of the Regular Corps of the Public Health Service, or an officer of the Reserve Corps of the Public Health Service on active duty, who is absent without leave, forfeits all pay and allowances for the period of that absence, unless it is excused as unavoidable.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 482; Pub. L. 89-718, § 49(a)(1), Nov. 2, 1966, 80 Stat. 1121; Pub. L. 96-513, title V, § 516(15), Dec. 12, 1980, 94 Stat. 2939.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
503(a) .....	37:33(b) (3d sentence).	Aug. 9, 1946, ch. 931, § 4(b) (3d sentence); restated Aug. 4, 1947, ch. 475, § 1 (3d sentence of 2d par.), 61 Stat. 748.
	37:39 (less last proviso).	Aug. 17, 1949, ch. 452, § 1 (less last proviso), 63 Stat. 611.
503(b) .....	42:210-1(b).	July 1, 1944, ch. 373, § 219(b); added Aug. 9, 1950, ch. 654, § 2 (2d par.), 64 Stat. 426.

In subsections (a) and (b), the words "for the period of that absence" are substituted for the words "during such absence".

## AMENDMENTS

1980—Subsec. (a). Pub. L. 96-513 substituted "National Oceanic and Atmospheric Administration" for "Environmental Science Services Administration".

1966—Subsec. (a). Pub. L. 89-718 substituted "Environmental Science Services Administration" for "Coast and Geodetic Survey".

## EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) Pub. L. 96-513, set out as a note under section 101 of this title.

## TRANSFER OF FUNCTIONS

Functions of Public Health Service, Surgeon General of Public Health Service, and all other officers and employees of Public Health Service, and functions of all agencies of or in Public Health Service, transferred to Secretary of Health, Education, and Welfare by Reorg. Plan No. 3 of 1966, eff. June 25, 1966, 31 F.R. 8855, 80 Stat. 1610, set out in the Appendix to Title 5, Government Organization and Employees. Secretary of Health, Education, and Welfare redesignated Secretary of Health and Human Services by section 3508(b) of Title 20, Education.

## § 504. Cadets and midshipmen: chapter does not apply to

This chapter does not apply to cadets at the United States Military Academy, the United